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The CASE stated betwixt the Masters of Colleges, and the Body of the University of  
CAMBRIDGE, concerning the Election of Mr. William Worts into the place  
of an *Esquire-Beadle* for that University.

**T**HE Question is, Whether in order To the Election of such a *Beadle*, the Masters of the Colleges shall nominate two persons, one of which the Body shall be obliged to choose, pursuant to the method which is observed in the election of a *Vicechancellor*; Or whether the Body of the University is at liberty to choose indifferently whom they please, without any such precedent Nomination, as they alwaies do at the election of a *Chancellor*, or *Burgess* to serve in Parliament?

The Statute in this case made and provided is as followeth.

De *Præconum seu viatorum Numero, Officio & Electione. Cap. 38.*

*Tres erunt Præcones seu viatores armigeri pari loco & munere, & unus inferioris loci Bedellus. Illorum verò trium si quando munus vacaverit, Cancellarius curabit Congregationem Regentium & Non-regentium intra triduum in horam nonam subsequentis diei vocandam. Tunc Cancellarius & Procuratores primò sua ipsorum suffragia scripta ferent; deinde cæterorum presentium omnium scripta suffragia accipient: quibus palam & separatim per seniores Procuratores lectis, ille Præco renunciabitur quem major pars suffragantium elegerit: Quem Cancellarius jurejurando astrictum ad hoc munus admittet.*

In which Statute although there be not the least mention of any Nomination precedent to the Election, yet upon the death of Mr. Francis Hughes late *Esquire-Beadle* of the said University, the Masters of the Colleges, pretending to the aforesaid power, nominated Mr. Urlin and Mr. Peck, and accordingly gave their Suffrages for them; to which were added the Suffrages of some private friends on either side, who (although many of them concurr'd with the major part of the Body for a free and Statutable Election, as by their Protestation and Petition ready to be produced appeareth) yet foreseeing that the *Vicechancellor* would certainly admit him (of the two so nominated) that should have the most Voices, did severally put in their Suffrages in favour of their friend, that he might not loose the benefit of that Admission which might follow upon such arbitrary Nomination and Election.

But the greater number of Suffrages by thirty and upwards, taking no notice of the said Nomination, (being without any manner of warrant from the said Statute, usurped by the Masters of the Colleges,) made choice of Mr. Worts to succeed in Mr. Hughes's place. Upon which Election Mr. Worts, according to the Statute demanded Admission of Dr. Boldero, then *Vicechancellor* of the said University: but the Doctor absolutely refused to admit him, and contrary to the said Statute, pronounced Mr. Peck (who of the two nominated by the Heads had the most Voices) legally chosen to the said place, and thereupon swore and admitted him *Esquire-Beadle*. 1669

The Masters of the Colleges in favour of this pretended power of nominating to the Body alledge two things: First, the University Statute following.

De Nominatione & Electione *Lectorum & reliquorum Officiariorum. Cap. 40.*

*Nominationes & Electiones Lectorum, Bedellorum, Stationariorum, Gageatorum, Vinopolarum, & aliorum Ministrorum, seu Officiariorum Academiae quorumcunque, de quibus aliter à nobis non est provisum, sequentur modum & formam in Electione Procellarii præscriptam, sientque infra quatuordecim dies post vacationem, nisi aliter Statutis nostris aut Fundatione cautum sit. Quæ aliter factæ fuerint, ipso jure nullæ sint & irritæ.*

To which the University answereth, That this Statute intendeth onely to direct a method for the Election of those inferiour Officers, that were not specially provided for by any precedent Statute, as most plainly appears by those restrictive clauses, *De quibus aliter à nobis non est provisum*, and, *Nisi aliter Statutis nostris cautum sit*. But the Election of the *Esquire-Beadles* is particularly provided for by the aforesaid Statute c. 38. And as for the word *Bedellorum* in this 40. Stat. which is also urged as an Objection; 'Tis clearly intended of the *Inferior Beadle*, but expressed in the plural number to include the Successours, as some other Officers, namely *Gageatorum*, in the said Statute are, whenas there is but one of them in the University at one time.

Secondly, It is alledged that the practice has been in favour of nominating by the Masters, precedent to the Election by the Body.

To which it is answered, That, 1. It appears not that the practice hath been constantly so ever since the said Statute for Election, c. 38. 2. The Elections have not been many since the Statute, and those few that have been are not sufficient to establish a Custome contrary to the expresse Direction of a Law. 3. It is well known in the University, that there hath not been an Election (that deserves to be called so) these fifty or threescore years; Mr. Hughes being the first *Beadle* that in the memory of man died in the place; his Predecessours selling their places to their Successours, and, to secure the bargain, the Predecessour prevailed with the Masters of the Colleges to prick two, (*viz.* a Stale and the designed Successour that had conditionally contracted for the place,) and the Body of the University, to oblige an ancient Officer that had well deserved of them, connived at it: and after this way the present *Esquire-Beadles*, *viz.* both the Mr. Bucks and the deceased Mr. Hughes were chosen. But the Body of the University for some years past being sensible, that if they should still indulge such a Privilege to every *Esquire-Beadle*, the Masters of the Colleges in time would pretend a rightful claim to a precedent Nomination, Resolved that the present *Esquire-Beadles* should die in, or absolutely resign, their places; and therefore have denied all endeavours that have been made in order to assure a Successour of the place. Which (as is humbly conceived) is a full answer to all the Usage that can be produced in the case, the Statute it self being expressly to the contrary.